|   |   |  | As.                            |
|---|---|--|--------------------------------|
|   | Application No.   | Applicant(s)   |                                |
| Notice of Allowability  | 09/933,839  | YANAGIDA, NOBORU   |                                |
|   | Examiner  | Art Unit   |                                |
|   | Judy M. Reddick   | 1713   |                                |
| The MAILING DATE of this communication at All claims being allowable, PROSECUTION ON THE MERITS herewith (or previously mailed), a Notice of Allowance (PTOL NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATEN of the Office or upon petition by the applicant. See 37 CFR 1   | S IS (OR REMAINS) CLOSED 85) or other appropriate compression is TRIGHTS. This application is | in this application. If not inclination will be mailed in di | uded<br>ue course. <b>THIS</b> |
| 1. $\square$ This communication is responsive to Ext. (11/09/04) +  | RCE/Amnd't/Affidavit (12/10/0   | 04) + Telephonic Interview (01                               | <u>/24/05)</u> .               |
| 2. The allowed claim(s) is/are 1.3.8-10 and 22.   |   | •  |                                |
| 3. $\boxtimes$ The drawings filed on <u>22 August 2001</u> are accepted by  | the Examiner.   |  |                                |
| <ul> <li>4.  Acknowledgment is made of a claim for foreign priority a)  All b)  Some* c)  None of the: <ol> <li>Certified copies of the priority documents in the priority line in the priority documents in the priority documents in the priority line in the priority line in the priority documents in the priority documents in the priority line in the priority line in the priority documents in the priority documents in the priority line in the priority documents in the priority docume</li></ol></li></ul> | nave been received.<br>nave been received in Applica  | tion No  | cation from the                |
| Applicant has THREE MONTHS FROM THE "MAILING DA' noted below. Failure to timely comply will result in ABANDO THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.   |   | ile a reply complying with the                               | requirements                   |
| 5. A SUBSTITUTE OATH OR DECLARATION must be su INFORMAL PATENT APPLICATION (PTO-152) which  |   |  | NOTICE OF                      |
| 6. ☐ CORRECTED DRAWINGS ( as "replacement sheets")  (a) ☐ including changes required by the Notice of Drafts  1) ☐ hereto or 2) ☐ to Paper No./Mail Date  (b) ☐ including changes required by the attached Exami  | person's Patent Drawing Revi<br>  |  |                                |
| Paper No./Mail Date Identifying indicia such as the application number (see 37 Cl each sheet. Replacement sheet(s) should be labeled as such  |   |  | the back) of                   |
| DEPOSIT OF and/or INFORMATION about the deattached Examiner's comment regarding REQUIREME   |   |  | I. Note the                    |
| Attachment(s)  1. Notice of References Cited (PTO-892)  | 5. ☐ Notice of  | Informal Patent Application (F                               | PTO-152)                       |
| 2.   Notice of Draftperson's Patent Drawing Review (PTO-94)   |   | Summary (PTO-413),   |                                |
| 3. Information Disclosure Statements (PTO-1449 or PTO/S   |   | o./Mail Date 's Amendment/Comment                            |                                |

U.S. Patent and Trademark Office PTOL-37 (Rev. 1-04)

Paper No./Mail Date

of Biological Material

4. Examiner's Comment Regarding Requirement for Deposit

9. Other \_\_\_\_.

8. 

Examiner's Statement of Reasons for Allowance

Application/Control Number: 09/933,839

Art Unit: 1713

## **EXAMINER'S AMENDMENT**

## Continued Examination Under 37 CFR 1.114

- 1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/10/04 has been entered.
- 2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Daniel J. Pereira on 01/24/05.

The application has been amended as follows:

## IN THE CLAIMS

Claim 21 has been cancelled so as to avoid a New Matter issue.

In claim 22 @ line 1 "(Currently Amended)" has been deleted and "(New)" has been inserted in its stead, consistent with 37 CFR 1.121.

In claim 22 @ line 2, "rpm" has been deleted and "ppm" has been inserted in its stead, consistent with art-accepted terminology.

3. The following is an examiner's statement of reasons for allowance: After further consideration, coupled with Counsel's persuasive arguments & Affidavit (12/10/04), the instantly claimed invention is deemed allowable over the prior art of record, Hart et al (U.S. 4,377,621), meritorious of the closest prior art, as per one having ordinary skill in the art would not have been endowed with any motivation to conduct hydrolysis (saponification) of the ethylene-vinyl acetate copolymer under the claimed conditions and to a degree of at least 98 mol %, as claimed. Moreover, too much picking and choosing would have been involved



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and highly unwarranted. Furthermore, any prima facie case of obviousness has been diffused based on the data housed in the Declaration under 37 C.F.R. § 1.132 (12/10/04).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Judy M. Reddick whose telephone number is (571) 272-1110. The examiner can normally be reached on 6:00 a.m. - 2:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

> Judy M. Reddick **Primary Examiner** Art Unit 1713